

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

OKAZAKI

Atty. Ref.: 1035-500

Serial No. 10/801,032

Group: 2812

Filed: March 16, 2004

Examiner: Mulpuri, S.

For: FABRICATION METHOD OF SEMICONDUCTOR LASER
DEVICE

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Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

ELECTION UNDER 35 USC §121

In response to the Office Action dated August 3, 2006 holding the subject matter of claims 1-10 to be non-obvious and patentably distinct from that of claims 11-12, Applicant(s) hereby elect the invention of Group I, (upon which claims 1-10 are readable) for further substantive examination.

This election is made without traverse. However, since a restriction requirement is never proper unless the restricted group of claims is patentably distinct (i.e., *inter alia*, non-obvious under 35 USC §103) from the elected group of claims, the Examiner is requested to insure that such patentable distinctness is present before proceeding to make the requirement final.

It is respectfully requested that the non-elected claims be retained for use with a possible divisional application.

Respectfully submitted,
NIXON & VANDERHYE P.C.

August 31, 2006

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